



# महाराष्ट्र शासन राजपत्र

## भाग एक-ल

वर्ष ५, अंक २३]

गुरुवार ते बुधवार, ऑक्टोबर १७-२३, २०१९/आश्विन २५-कार्तिक १, शके १९४१ [पृष्ठे ११, किंमत : रुपये २३.००

### प्राधिकृत प्रकाशन

(केंद्रीय) औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम यांखालील  
(भाग एक, चार-अ, चार-ब आणि चार-क यांमध्ये प्रसिद्ध केलेल्या अधिसूचना, आदेश व निवाडे यांव्यतिरिक्त)  
अधिसूचना, आदेश व निवाडे.

### INDUSTRIAL COURT, MAHARASHTRA, MUMBAI

#### AMENDMENT TO THE INDUSTRIAL COURT REGULATIONS, 1975

#### FRAMED IN EXERCISE OF POWERS CONFERRED UNDER SECTION 33 OF THE

MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

No. ICM/CS/ICR/ 859.—In exercise of the powers conferred under Section 33 of the Maharashtra Recognition of Trade Unions And Prevention of Unfair Labour Practices Act, 1971, (Maharashtra Act No. 1 of 1972), the Industrial Court hereby makes the following amendments in the existing Industrial Court Regulations, 1975 and directs that they will come in force from the date of its publication in the *Maharashtra Government Gazette*.

(I) (1) The words “and preferably within 15 days of the date of the order of the court” shall be added to Regulation 5-A(a).

Regulation 5-A(a) shall, thus, read as under :—

“5-A(a). *If on examination and verification, it is found that the application/ complaint is not in order or is not accompanied by the documents alongwith the list and copies thereof the Officer concerned shall place the matter before the Judge who may direct the concerned party to remedy the defect or comply with the requirements which have not been complied with, within a specified time and preferably within 15 days of the date of the order of the court.*”

(2) Provisos below Regulation 5-A(b) are introduced, which read as under :—

“5-A(b) *If the concerned party fails to comply with the directions within the prescribed time or within such further time as the Court may grant, the Court may reject the application/ complaint, as the case may be :*

*Provided that the concerned party, for a just and reasonable cause, may move an application for seeking enlargement of time as provided under Section 148 of the Code of Civil Procedure, 1908 and the Court may, in its discretion, from time to time, enlarge such period.*

*Provided further that, in the event, the concerned party fails to comply with the directions and does not file an application under Section 148 of the Code of Civil Procedure, 1908 resulting in rejection of the application/ complaint, as the case may be, such party may move an application within 30 days and not later, from the date of such rejection, for seeking restoration of the application/ complaint, which may be considered by the Court for restoration only if the Court is convinced that the party was precluded from complying with the directions for reasons beyond its control and has shown its willingness to remove the defects and comply with the requirements within seven days. "*

(3) Regulation 8 regarding service of notice on the parties, shall stand amended as under :—

*"8. Notices to the parties may be sent either by registered post acknowledgement due or served through the bailiff or by such method as ordered by the Court. In the event, the complainant or the applicant, as the case may be, has submitted an authentic email address of the respondent/ answering party, the Court may opt for serving such party by email service. However, care shall be taken that the entire copy of the complaint or the application, as the case may be, with all its annexures/ documents should be sent through email service after proper scanning."*

(4) In Regulation 9(i)(v), the words "Re 1" shall stand substituted by the words "Rs.5".

Regulation 9(i)(v) shall thus, read as under :—

*"(v) Every deponent shall pay a swearing fee of Rs.5 for having the affidavit sworn and verified before the officer authorised for the purpose."*

(5) Regulation 10(1)(a) stands amended and shall read as under :—

*"10. (1)(a) Every application/ complaint/ written statement/ say/ objections shall be accompanied by the prescribed documents, if any or any other document which the applicant, complainant or opponent or respondent, as the case may be, wishes to rely upon alongwith the list thereof and as many copies of the documents and the list as there are opposite parties. Provided that copies for opposite parties may not be supplied if they have already been supplied to them and receipt evidencing the same is produced."*

(6) Regulation 12 shall stand amended and shall read as under :—

*"12. A party workman to a proceeding may enter appearance by filing a memorandum of appearance in Form 1 alongwith a court fee stamp of Rs. 10/-. Any other person, not being an advocate, claiming to represent a party to a proceeding, viz. an employer, an employee, a recognised union or a trade union etc., shall file authority to appear, in Form 2, which shall be accompanied by a court fee stamp of Rs. 15 affixed thereon. If any party to a proceeding, authorises an advocate to represent it, such advocate shall enter a vakalatnama with court fee stamp of Rs. 15."*

(7) The heading "Adjournments" shall stand inserted after Regulation 40 and prior to Regulation 41.

(8) Regulation 41(3) shall stand deleted in view of the introduction of Regulation 105-A.

(9) Regulation 42-A shall be introduced as under :—

*"42-A. In so far as the filing of applications for adjournments, (a) an adjournment application filed on behalf of an individual worker, shall be accompanied by a court fee stamp of Rs.2 affixed thereon, (b) an adjournment application filed on behalf of a group of workers or a union in a case, shall be accompanied by a court fee stamp of Rs.5/- and (c) an adjournment application filed on behalf of an employer/ industry/ establishment, shall be accompanied by a court fee stamp of Rs.10/-. These provisions shall not apply to the State and its instrumentalities."*

(10) The words "Rs.5" mentioned in Regulation 76 shall stand replaced by the words "Rs.250".

(11) Regulation 78-A stands amended and shall read as under :—

*"78-A. In case a party called upon to file a written statement/ say and/or objection, does not file it on the date fixed or within 30 days from the date of such order or receipt of court notice for the said purpose, it would not be allowed to file such response subsequently except with the permission of the court, on citing a just and reasonable cause and not later than 90 days from the date of such order or service of the court notice.*

*Provided that, in an exceptional case and for a just and reasonable cause, the court may consider allowing such respondent to file its written statement/ say and/or objection beyond the period of 90 days prescribed, by imposing costs as deemed appropriate akin to Section 35-B of the Code of Civil Procedure, 1908."*

(12) Regulation 105-A shall be introduced as under :—

*"105-A. The respondents shall file their written statement/ say and/or objection, if any, together, within 30 days from the date of receipt of court notice for the said purpose.*

*Provided that, in case, any respondent called upon to file the written statement/ say and/or objection, does not file it on the date fixed or within 30 days, it would not be allowed to file such response subsequently except with the permission of the court, on citing a just and reasonable cause and not later than 90 days from the date of service of the court notice.*

*Provided further that, in an exceptional case and for a just and reasonable cause, the court may consider allowing such respondent to file its written statement/ say and/or objection beyond the period of 90 days prescribed, by imposing costs as deemed appropriate akin to Section 35-B of the Code of Civil Procedure, 1908."*

(13) Regulation 116-A shall be introduced as under :—

*"116-A. An application for interim relief shall ordinarily be decided and disposed of by a speaking order, preferably within 120 days. In the event, it is decided beyond 120 days, after an ad-interim order is passed, the court shall assign reasons for being unable to do so and in the event, any of the litigating sides are held responsible for the delay, the court shall consider imposing costs as deemed appropriate akin to Section 35-B of the Code of Civil Procedure, 1908."*

(14) Regulations 117-A, 117-B and 117-C are introduced as under :—

*"117-A. Where any workman files a complaint relating to unfair labour practice not falling under Item 1 of Schedule IV of the MRTU & PULP Act, 1971 and pertaining to any order of punishment (otherwise than the punishment of dismissal, termination, discharge, proposed dismissal or termination or similar punishments) proposed or imposed by an employer pursuant to a domestic enquiry conducted by an employer, the Industrial Court shall first frame two issues regarding (i) fairness of the enquiry and (ii) perversity in the findings recorded by the Enquiry Officer. "*

*"117-B. The Industrial Court shall decide the two issues by referring to the original record and proceedings pertaining to the domestic enquiry and shall examine the aspects arising from the two issues, on the basis of such record. The respondent/ employer industry shall produce the original record and proceedings of the domestic enquiry before the Industrial Court. "*

*"117-C. Any order of the Industrial Court on such issues shall ordinarily be passed within 60 days from the filing of the written statement/ say or within 120 days from the date of issuance of notice, whichever is earlier."*

(15) Regulation 119-A shall be introduced as under :—

*"119-A. On an application filed under Section 31(2) of the MRTU and PULP Act, 1971 seeking to have an ex-parte order or a "dismissed in default" order, set aside, after 30 days from the date of the passing of such ex-parte or "Dismissed In Default" order, the court may, upon issuing notice to the other side in Form No. 22, entertain such an application provided a separate application for seeking condonation of delay is filed supported by an affidavit and only if a just and sufficient cause is made out by the applicant. Sections 5 to 12 of the Limitation Act, 1963 shall apply to such applications. "*

(16) The words **"The Industrial Court or"** and **"as the case may be"** appearing in Regulation 139(a) shall stand deleted. After deletion, Regulation 139(a) would read as under :—

*"139(a). If in the opinion of the Court, a person has committed contempt of Court under Section 48 of the Act, the Court may on its own motion or on a report from a Labour Court or on the application by any person, initiate proceeding under Section 48 of the Act and shall submit a report in that behalf to the High Court."*

(17) The following Regulations 148 to 152 shall be added under Chapter XIV "Miscellaneous" :—

*"148. The Indian Evidence Act shall apply to all cases to be tried under the provisions of the MRTU and PULP Act, 1971, in which proceedings the recording of oral and documentary evidence is ordinarily contemplated, save and except the original record and proceedings of the domestic enquiry maintained in the file of the Enquiry Officer, preserved by the employer and which is produced in the Court. "*

*"149. Wherever the provisions under the MRTU and PULP Act, 1971 and the Industrial Court Regulations, 1975 are silent, the provisions of the Code of Civil Procedure under Sections 27 to 32 read with Order XI, XII, XIII, XIV, XVI, XVI-A, XVIII and XIX, shall be applicable to the proceedings under the MRTU and PULP Act, 1971."*

*"150. Any clerical or arithmetical mistake or error or accidental slip arising therefrom, in the judgment or order, may be corrected by the court either of its own motion or on an application by any of the parties, akin to Section 152 of the Code of Civil Procedure, 1908. "*

*"151. Wherever, in any proceedings under the MRTU and PULP Act, 1971, a memo of appearance by a party or entering of an address memo of a party is contemplated, the full name of such party along with a complete postal address, shall be mentioned. In addition, wherever possible, an email address, cellular (mobile) number and/or whatsapp number of the complainant/ respondent/ applicant/ opponent/ witness shall be set out in such memo. "*

*"152. A representative appearing on behalf of any litigating side being an advocate, shall appear in the court in the advocate's attire as is prescribed under Chapter IV falling in Part VI of the Bar Council of India Rules. Such advocates would be exempted from wearing their black coat only from 15th March to 30th June considering the summer season. They shall, however, not be exempted from wearing the advocate's band."*

(18) Form 20 is amended as under :—

(A) Title of Form 20 shall be replaced as under :—

**"Notice to the respondent in a complaint/ application regarding unfair labour practice (Regulation 105)"**

(B) At the end of clause (1) in Form 20, the words *" by filing a written statement to the complaint and written say to the application for interim relief, along with objections, if any."* shall be added.

Thus., clause (1) of Form 20 would read as under :—

"1. Whereas the complainant has made a complaint of an Unfair Labour Practice engaged in by you on ..... you are called upon by this Notice to appear before the Court at 10.30 a.m. or at such time immediately thereafter according to the convenience of the Court on ..... in Court No ..... in the Industrial Court, at ..... and to show cause as to why the complaint should not be allowed, by filing a written statement to the complaint and written say to the application for interim relief, along with objections, if any."

**(C) Clause (2) of Form 20 shall stand amended as under :—**

"2. You may file your written statement, say and objections, if any, on or before ..... by serving a true copy of the written statement, say and objections on the complainant/ applicant and other parties along with an acknowledgement of service."

**(D) Clause (5) of Form 20 shall stand amended as under :—**

"5. If you intend to rely upon and file any documents, such documents should be filled along with the written statement and say with a list of documents appended to the documents."

(19) The heading on Form 22 shall read as under :—

"Form 22 [ Regulations 118(ii) and 119-A ]"

(20) Clause (2) of Form 27-A shall stand amended as under :—

"2. In the event of arrest, if ..... (name) ..... furnishes bail bond in the sum of Rs.2500 and undertakes to attend before me on and to continue to so attend until otherwise directed by me, he may be released. "

(II) In Table-A, the provisions as regards fees chargeable, shall be amended as under :—

(i) At Sr.No.I (a), the amount of "Rs.2.00" shall be replaced by "**Rs.20**".

(ii) At Sr.No.I (b), the amount of "Rs.1.00" shall be replaced by "**Rs.10**".

(iii) At Sr.No.II(a), the amount of "Rs.4.00" shall be replaced by "**Rs.50**".

(III) In Table-B, clause (3) pertaining to daily allowance, shall be amended as under :—

(i) For Class-I, the amount of "Rs.150" shall be replaced by "**Rs.400**".

(ii) For Class-II, the amount of "Rs.130" shall be replaced by "**Rs.300**".

(iii) For Class-III, the amount of "Rs.115" shall be replaced by "**Rs.250**".

(iv) For Class-IV, the amount of "Rs.100" shall be replaced by "**Rs.200**".

(IV) In Table-C, clause (I) pertaining to "Rates of Registration Charges" shall stand replaced as under :—

"(I) In case of application, reference, complaint, appeal or, as the case may be, revision application filed under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 :—

(a) Application to the Labour Court under section 25 :—

(i) by the employer for declaration that the strike is illegal :—Rs. 1000.

(ii) by a recognized union for declaration that the lock-out is illegal:— Rs.500.

(b) *Complaint under section 28 to the Labour Court with reference to Item 1 of Schedule IV to the Act :—*

(i) *by any union Rs.250.*

(ii) *by any employee or a group of employees in a single case :- Rs. 100 per case.*

(c) *Complaint to the Industrial Court under Section 28 regarding any item in Schedule II or Schedule III or Schedule IV to the Act :—*

(i) *by any union :— Rs.250.*

(ii) *by any employee or a group of employees in a single case :- Rs. 100 per case.*

(iii) *by any employer :— Rs. 1000.*

(d) *Appeal under Section 42 and a revision under section 44 to the Industrial Court :-*

(i) *by any union :—Rs.250.*

(ii) *by any employee or a group of employees who were original complainants in a single case :—Rs. 100 per case.*

(iii) *by any employer :—Rs.1000.*

(e) *Application filed under section 50 :— Rs.50.*

(f) *Other miscellaneous matters not provided in the Act or not covered by any of the above entries :—*

(i) *by any union Rs.250.*

(ii) *by any employee or a group of employees in a single case :- Rs. 100 per case.*

(iii) *by any employer :— Rs.1000.*

Place : Mumbai

Date : 4th October 2019.

M. G. SEWLIKAR,  
President,  
Industrial Court, Maharashtra,  
Mumbai.

## INDUSTRIAL COURT, MAHARASHTRA, MUMBAI

### AMENDMENT TO THE LABOUR COURTS (PRACTICE AND PROCEDURE) RULES, 1975

FRAMED IN EXERCISE OF POWERS CONFERRED UNDER SECTION 44 OF THE

MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

No. ICM/CS/LCPPR/ 860.—In exercise of the powers conferred under Section 44 of the Maharashtra Recognition of Trade Unions And Prevention of Unfair Labour Practices Act, 1971 (Maharashtra Act No. 1 of 1972), the Industrial Court hereby makes the following amendments in the existing Labour Courts (Practice and Procedure) Rules, 1975 and directs that they will come in force from the date of its publication in the *Maharashtra Government Gazette*.

(I) (1) The words “and preferably within 15 days of the date of the order of the court” shall be added to Rule 5-A(ii).

Rule 5-A(ii) shall, thus, read as under :—

“5-A(ii). *If on examination and verification, it is found that the application/ complaint is not in order or is not accompanied by the documents along with the list and copies thereof the Officer concerned shall place the matter before the Judge who may direct the concerned party to remedy the defect or comply with the requirements which have not been complied with, within a specified time and preferably within 15 days of the date of the order of the court.*”

(2) Provisos below Rule 5-A(iii) are introduced, which read as under :—

“5-A(iii) *If the concerned party fails to comply with the directions within the prescribed time or within such further time as the Court may grant, the Court may reject the application/complaint, as the case may be.*

*Provided that the concerned party, for a just and reasonable cause, may move an application for seeking enlargement of time as provided under Section 148 of the Code of Civil Procedure, 1908 and the Court may in its discretion, from time to time, enlarge such period.*

*Provided further that, in the event, the concerned party fails to comply with the directions and does not file an application under Section 148 of the Code of Civil Procedure, 1908 resulting in rejection, of the application/complaint, as the case may be, such party may move an application within 30 days and not later, from the date of such rejection, for seeking restoration of the application/complaint, which may be considered by the Court for restoration only if the Court is convinced that the party was precluded from complying with the directions for reasons beyond its control and has shown its willingness to remove the defects and comply with the requirements within seven days.”*

(3) Rule 7 regarding service of notice on the parties, shall stand amended as under :—

“7. *Notices to the parties may be sent either by registered post acknowledgement due or served through the bailiff or by such method as ordered by the Court. In the event, the complainant or the applicant, as the case may be, has submitted an authentic email address of the respondent/ answering party, the Court may opt for serving such party by email service. However, care shall be taken that the entire copy of the complaint or the application, as the case may be, with all its annexures/ documents should be sent through email service after proper scanning.*”

(4) In Rule 9(5), the words “Re 1” shall stand substituted by the words “**Rs. 5**”.

Rule 9(5) shall thus, read as under :—

"(5) Every deponent shall pay a swearing fee of **Rs. 5** for having the affidavit sworn and verified before the officer authorised for the purpose."

(5) Rule 10(2) stands amended and shall read as under :—

"10. (2) Any other relevant document, which any party wishes to produce, shall be produced on or before the first date fixed for hearing alongwith a list thereof and with as many copies of the documents and the list as there are opposite parties, provided that copies of the list and the documents may not be produced for the other parties if they have been already supplied to them and receipts evidencing that are produced."

(6) Rule 12 shall stand amended and shall read as under :—

"12. A party workman to a proceeding may enter appearance by filing a memorandum of appearance in Form 1 along with a court fee stamp of Rs. 10. Any other person, not being an advocate, claiming to represent a party to a proceeding, viz. an employer, an employee, a recognised union or a trade union etc., shall file authority to appear, in Form 2, which shall be accompanied by a court fee stamp of Rs. 15/- affixed thereon. If any party to a proceeding, authorises an advocate to represent it, such advocate shall enter a vakalatnama with court fee stamp of Rs. 15."

(7) In Rule 13, the word "and" shall be replaced with the word "or". Rule 13 would, thus, read as under :—

"13. No person claiming to represent a party to a proceeding shall be allowed to appear or act until the authority prescribed under Rule 12 has been filed. Such authority shall be filed at or before the first hearing of the proceedings, **or** subsequently with the permission of the Court."

(8) Rule 45(A)(i) shall stand deleted in view of the introduction of Rule 65-A.

(9) Rule 47-A shall be introduced as under :—

"47-A. Insofar as the filing of applications for adjournments, (a) an adjournment application filed on behalf of an individual worker, shall be accompanied by a court fee stamp of Rs. 2 affixed thereon, (b) an adjournment application filed on behalf of a group of workers or a union in a case, shall be accompanied by a court fee stamp of Rs.5/- and (c) an adjournment application filed on behalf of an employer/ industry/ establishment, shall be accompanied by a court fee stamp of Rs. 10. These provisions shall not apply to the State and its instrumentalities."

(10) Rule 57(1) shall stand replaced as under :—

"57. (1) On receipt of reference under Section 25 of the MRTU AND PULP Act, 1971, the Labour Court shall immediately fix the date for appearance of the opposite party, which should be as early as possible and not later than 15 days, shall issue a notice mentioning the date of hearing to the opposite party/parties. Such notice shall be in Form (15-A)."

(11) Rule 57(1)(i) shall be added as under :—

"57.(1)(i) A party, who is called upon to submit its written statement under Rule 57(1), fails to do so on the date fixed or within 30 days, whichever is later, shall be permitted to file it subsequently only with the permission of the Court provided a just and reasonable cause is shown and for reasons to be recorded in writing, but shall not be so permitted later than 90 days from the date of service of the notice."

(12) Rule 65-A shall be introduced as under :—

"65-A. The respondents shall file their written statement/say and/or objection, together, within 30 days from the date of receipt of court notice for the said purpose.

Provided that, in case, any respondent called upon to file the written statement/say and/or objection, does not file it on the date fixed or within 30 days, it would not be allowed to file such response



*subsequently except with the permission of the court, on citing a just and reasonable cause and not later than 90 days from the date of service of the court notice :*

*Provided further that, in an exceptional case and for a just and reasonable cause, the court may consider allowing such respondent to file it's written statement/ say and/or objection beyond the period of 90 days prescribed, by imposing costs as deemed appropriate akin to Section 35-B of the Code of Civil Procedure, 1908."*

(13) Rules 68-A, 68-B and 68-C are introduced as under :—

*"68-A. Where any workman files a complaint relating to unfair labour practice under Item 1 of Schedule IV of the MRTU & PULP Act, 1971, pertaining to the order of punishment of dismissal, termination, discharge, proposed dismissal or termination or similar punishments proposed or imposed by an employer, pursuant to a domestic enquiry conducted by an employer, the Labour Court shall first frame two issues regarding (i) fairness of the enquiry and (ii) perversity in the findings recorded by the Enquiry Officer."*

*"68-B. The Labour Court shall decide the two issues by referring to the original record and proceedings pertaining to the domestic enquiry and shall examine the aspects arising from the two issues, on the basis of such record. The respondent/ employer industry shall produce the original record and proceedings of the domestic enquiry before the Labour Court."*

*"68 -C. Any order of the. Labour Court on such issues shall ordinarily be passed within 60 days from the filing of the written statement/ say or within 1.20 days from the date of issuance of notice, whichever is earlier."*

(14) Rule 76-A shall be added as under :—

*"76-A An application for interim relief shall ordinarily be decided and disposed of by a speaking order, preferably within 120 days. In the event, it is decided beyond 120 days, after an ad-interim order is passed, the court shall assign reasons for being unable to do so and in the event, any of the litigating sides are held responsible for the delay, the court shall consider imposing costs as deemed appropriate akin to Section 35-B of the Code of Civil Procedure, 1908."*

(15) Rule 79-A shall be introduced as under :—

*"79-A. On an application filed under Section 31(2) of the MRTU & PULP Act, 1971 seeking to have an ex-parte order or a "dismissed in default" order, set aside, after 30 days from the date of the passing of such ex-parte or "Dismissed In Default" order, the court may, upon issuing notice to the other side in Form No. 17, entertain such an application provided a separate application for seeking condonation of delay is filed supported by an affidavit and only if a just and sufficient cause is made out by the applicant. Sections 5 to 12 of the Limitation Act, 1963 shall apply to such applications."*

(16) The heading of Chapter VIII shall be replaced and shall read as under :—

*"Procedure for making complaints to magistrates under sections 48(1), 48(2) and 48(3) and for taking cognizance of and report of contempt of the Labour Court under section 48".*

(17) Rule 92(1) shall be added as under :—

*"92(1) In cases falling under Section 48(1) of the MRTU & PULP Act, 1971, subject to issuance of notice under Rules 93 and 94 to the respondent alleged to have committed such offence, the Labour Court shall issue a show cause notice to such party and shall fix the hearing of the matter on a particular date, which shall not be later than 30 days from the date of such notice. Such party/ accused would be at liberty to show cause, through a written say, which shall be filed within 30 days. In the event, such party fails to submit his written say, he shall be precluded from doing so, except with the permission of the Court and upon citing a just and reasonable cause, the Court would consider permitting such party to file the written say within 90 days from the date of issuance of notice. After*

*considering the case of the complainant and the respondent, the Court may issue process against such respondent."*

(18) The following Rules 103 to 107 shall be added under Chapter XI "Miscellaneous" :—

"103. *The Indian Evidence Act shall apply to all cases to be tried under the provisions of the MRTU & PULP Act, 1971, in which proceedings the recording of oral and documentary evidence is ordinarily contemplated, save and except the original record and proceedings of the domestic enquiry maintained in the file of the Enquiry Officer, preserved by the employer and which is produced in the court."*

"104. *Wherever the provisions under the MRTU & PULP Act, 1971 and the Labour Courts (Practice and Procedure) Rules, 1975 are silent, the provisions of the Code of Civil Procedure under Sections 27 to 32 read with Order XI, XII, XIII, XIV, XVI, XVI-A, XVIII and XIX, shall be applicable to the proceedings under the MRTU & PULP Act, 1971."*

"105. *Any clerical or arithmetical mistake or error or accidental slip arising therefrom, in the judgment or order, may be corrected by the court either of its own motion or on an application by any of the parties, akin to Section 152 of the Code of Civil Procedure, 1908."*

"106. *Wherever, in any proceedings under the MRTU & PULP Act, 1971, a memo of appearance by a party or entering of an address memo of a party is contemplated, the full name of such party along with a complete postal address, shall be mentioned. In addition, wherever possible, an email address, cellular (mobile) number and/or whatsapp number of the complainant/ respondent/ applicant/ opponent/ witness shall be set out in such memo."*

"107. *A representative appearing on behalf of any litigating side being an advocate, shall appear in the court in the advocate's attire as is prescribed under Chapter IV falling in Part VI of the Bar Council of India Rules. Such advocates would be exempted from wearing their black coat only from 15th March to 30th June considering the summer season. They shall, however, not be exempted from wearing the advocate's band."*

(19) Form 8 is amended as under :—

Clause (3) of Form 8 shall stand amended as under :—

" 2. *You may file your written statement, say and objections, if any, on or before ..... by serving a true copy of the written statement, say and objections on the complainant/ applicant and other parties along with an acknowledgement of service."*

(20) The heading on Form 17 shall read as under :—

"Form 17 (Rules No. 78(H) and 79-A)"

(21) Clause (2) of Form 19 shall stand amended as under :—

" 2. *In the event of arrest, if ..... (name) ..... furnishes bail bond in the sum of Rs. 2500 and undertakes to attend before me on ..... and to continue to so attend until otherwise directed by me, he may be released."*

(II) In Table-A, the provisions as regards fees chargeable, shall be amended as under :—

(i) At Sr.No.I(a), the amount of "Rs.2.00" shall be replaced by "**Rs.20**".

(ii) At Sr.No.I(b), the amount of "Rs.1.00" shall be replaced by "**Rs.10**".

(iii) At Sr.No.II(a), the amount of "Rs.4.00" shall be replaced by "**Rs.50**".

(III) In Table-B, clause (3) pertaining to daily allowance, shall be amended as under :—

(i) For Class-I, the amount of "Rs.150" shall be replaced by "**Rs.400**".

(ii) For Class-II, the amount of "Rs.130" shall be replaced by "**Rs.300**".

(iii) For Class-III, the amount of "Rs.115" shall be replaced by "**Rs.250**".

(iv) For Class-IV, the amount of "Rs.100" shall be replaced by "**Rs. 200**".

(IV) In Table-C, clause (I) pertaining to "Rates of Registration Charges" shall stand replaced as under :—

"(I) In case of application, reference, complaint, appeal or, as the case may be, revision application *filed under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971* :-

(a) Application to the Labour Court under section 25 :—

(i) *by the employer for declaration that the strike is illegal* :— Rs. 1000.

(ii) *by a recognized union for declaration that the lock-out is illegal* :—Rs.500.

(b) Complaint under section 28 to the Labour Court with reference to Item 1 of Schedule IV to the Act :—

(i) *by any union* :— Rs.250.

(ii) *by any employee or a group of employees in a single case* :— Rs. 100 per case.

(c) Complaint to the Industrial Court under Section 28 regarding any item in Schedule II or Schedule III or Schedule IV to the Act :—

(i) *by any union* :— Rs.250.

(ii) *by any employee or a group of employees in a single case* :—Rs. 100 per case.

(iii) *by any employer* :— Rs.1000.

(d) Appeal under Section 42 and a revision under section 44 to the Industrial Court :—

(i) *by any union* :— Rs.250.

(ii) *by any employee or a group of employees who were original complainants in a single case* :—Rs. 100 per case.

(iii) *by any employer* :—Rs.1000.

(e) Application filed under section 50 :— Rs.50.

(f) Other miscellaneous matters not provided in the Act or not covered by any of the above entries :—

(i) *by any union* :—Rs.250.

(ii) *by any employee or a group of employees in a single case* :—Rs. 100 per case.

(iii) *by any employer* :—Rs. 1000.

M. G. SEWLIKAR,

President,

Place : Mumbai,

Dated the 4th October 2019.

Industrial Court, Maharashtra, Mumbai.